

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on November 3, 2006, and the references cited therewith.

Claims 7 and 9 are amended, no claims are canceled or added. As a result, claims 1-11 remain pending in this application.

§112 Rejection of the Claims

Claims 1-11 were rejected under 35 USC § 112, 2d paragraph, as being indefinite. In particular, the examiner stated that there was lack of antecedent basis for “the specific dose” in claim 7. The examiner also stated that there is a grammatical error in claim 11. Finally, the examiner stated that claims 2-6, 8 and 10-11 are also rejected because they depend directly or indirectly from claim 1.

In response, applicant has amended claim 7 to clarify the antecedent basis for the specific doses. Also, applicant has corrected the grammatical error in claim 11. Finally, applicant notes that there was no specific objection recited with respect to claim 1, so the basis for the rejections of claims that do not depend from claims 7 or 9 is not clear, but applicant assumes and intends that the foregoing amendments have addressed all of the § 112 rejections/objections.

Accordingly, applicant submits that the rejections of claims 1-11 under 35 USC § 112, 2d paragraph, have been overcome and should be withdrawn.

§§ 102 and 103 Rejections of the Claims

Claims 1-7, 9 and 10 were rejected under 35 USC § 102(b) as being anticipated by Albisser et al. Claims 1-2 were rejected under 35 USC § 102(b) as being anticipated by Lehmann et al. Claims 8 and 11 were rejected under 35 USC § 103(a) as being made obvious by Albisser et al.

In response, applicant submits that neither Albisser et al. nor Lehmann et al. teaches or suggests the present invention as set forth in claim 1. With respect to Albisser et al., the examiner states that Table 2 of Albisser et al. teaches the step of presenting to the user a range of doses comprising at least two of the specific doses. But, in fact, nothing in Table 2, the corresponding text or anywhere else in Albisser teaches or in any way suggests the step of

presenting a range of suggested doses. Table 2 is a summary of a simulated patient's actual blood glucose concentrations and insulin doses. The ranges that are presented relate to the blood glucose levels and are presumably a reflection of the accuracy of the measuring system. Not only does Table 2 fail to teach or suggest presenting a range of suggested doses to the user, it does not even show any range of suggested insulin doses.

Likewise, with respect to Lehmann et al., the examiner states that Figures 3 and 5 and Table 2 of Lehmann et al. teach the step of presenting to the user a range of doses comprising at least two of the specific doses. Fig. 3 appears to show 2 a blood glucose profile and 2 dosing recommendations for improving the patient's profile. However, the recommendations are not alternatives, let alone ranges. Nor does Figure 3 say anything about presenting the user with a range of suggested doses. Similarly, Figure 5 shows blood glucose levels, carbohydrate intake and insulin intake, but nothing with respect to presenting a range of suggested doses to a person seeking to determine an appropriate blood glucose dose. There appears to be no Table 2 in Lehmann et al.

Simply put, neither Alisser et al. nor Lehmann et al. teach or in any way suggest the present invention as set forth in claim 1. Accordingly applicant submits that the rejections of claim 1 under 35 USC §§102 and 103 are improper and should be withdrawn. Moreover, since claims 2-11 depend variously from claim 1, the rejections of claims 2-11 under 35 USC §§102 and 103 are also improper and should be withdrawn.

Conclusion

In view of the foregoing, applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (781-457-4717) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 503188

Respectfully submitted,

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